

ESTATES OF DANIEL WOODSON AND ELY MOORE.

MAY 24, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GRAFF, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 1067.]

The Committee on Claims, to whom was referred the bill (S. 1067) for the relief of the estates of Daniel Woodson and Ely Moore, have had the same under consideration and submit the following report:

Your committee are of the opinion that the facts, as set forth in Senate Report No. 161, Fifty-fifth Congress, first session, are correctly stated, and adopt the same as their report, and recommend that the said bill do pass, amended by striking out in lines 21 and 22 the words "four thousand one hundred and fifteen," and inserting in lieu thereof the words "three thousand five hundred and forty."

[Senate Report No. 161, Fifty-fifth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 1067) for the relief of the estates of Daniel Woodson and Ely Moore, having had the same under consideration, submit the following report:

The facts in reference to this bill are fully set out in House Report No. 546, second session Fifty-third Congress.

The report is as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2126) for the relief of the estates of Daniel Woodson and of Ely Moore, beg leave to report:

Daniel Woodson was a receiver of public moneys and disbursing agent in the Delaware land district, in Kansas, from August, 1857, to June, 1861; and Ely Moore, deceased, was a register of the land office in the Pawnee land district, in Kansas, from April, 1857, to the time of his death in January, 1860.

Congress, on the 18th of August, 1856, in the seventh section of "An act making appropriations for certain civil expenses of the Government," enacted—

"That in the settlement of the accounts of registers and receivers of the public land offices the Secretary of the Interior be, and he is hereby, authorized to allow, subject to the approval of Congress, such reasonable compensation for additional clerical services and extraordinary expenses incident to said offices as he shall think just and proper, and report to Congress all such cases of allowance at each succeeding Congress, with estimates of the sum or sums required to pay the same." (Stat. L., Vol. II, p. 91.)

A certified copy of the report to Congress, as required by said act, shows that the accounts of the register and receiver of said Delaware land district were settled under said act on December 21, 1860, for office expenses, and that the sum of \$12,857.92 was allowed them for clerk hire, office rent, fuel, and light, which was then reported to Congress for appropriation, as said act required. Said sum was made up as follows:

Amount allowed the register (Whitfield) for clerk hire.....	\$7,383.00
Amount allowed the receiver (Woodson) for clerk hire.....	3,150.00
Total sum allowed for clerk hire.....	10,533.00
Amount allowed the register (Whitfield) for rent, fuel, and light.....	1,162.46
Amount allowed the receiver (Woodson) for rent, fuel, and light.....	1,162.46
Total sum allowed on settlement.....	12,857.92
Amount appropriated to pay for clerk hire on February 19, 1861 (12 Stat. L. 133)	10,533.00
Balance of sum allowed on settlement for rent, etc.....	2,324.92
Amount appropriated June 9, 1892, to pay the register (Whitfield) for rent, fuel, and light.....	1,162.46
Balance due Receiver Woodson for rent, fuel, and light.....	1,162.46

The report in these cases says:

"The register and receiver for the Delaware land district, Kansas, appear to have proceeded in this matter according to the law of August 18, 1856. Their expenses for clerk hire, office rent, etc., during the three years mentioned have amounted to \$12,857.92, or a little over \$4,000 per year, which is regarded as reasonable, in view of the unusually large quantity of land sold and located at that office during this period of time."

From evidence submitted to the committee, it is shown that no appropriation has been made to pay said Receiver Woodson the sum of \$1,162.46, stated on said settlement under said act to be due to him for office rent, fuel, and light.

A certified copy of the report to Congress, as required by said act, shows that the account of Ely Moore, deceased, late register of said land office, was settled, under said act, on February 12, 1861, for office expenses, and that the sum of \$4,115 was allowed him for clerk hire and office rent, which was then reported to Congress for appropriation, as required by said acts. Said sum was made up as follows:

Clerk hire for one clerk, at \$4 per day, exclusive of Sundays, from the 1st of April, 1857, to January 27, 1860, 885 days	\$3,540
Office rent for fifteen months ending April 5, 1858	575
Total for clerk hire and office rent.....	4,115

Said report of February 12, 1861, says:

"The item of rent for which \$575 is claimed in this case for fifteen months, ending April 5, 1858, is regarded as cognizable, under the act of 1856, in cases where the extraordinary character or amount of the business of a land office requires extraordinary accommodations."

The concluding part of said report further says:

"The register would probably have a claim similar to that of the receiver mentioned in my letter to you of the 26th January last."

A certified copy of the report referred to of January 26, 1861, in the case of the receiver (Brindle) who served at the same time and in the same district with Register Moore, shows that in the settlement of the receiver's (Brindle's) account, under said act of 1856, he was allowed \$1,145 for office rent, which amount was appropriated in 1878 and paid to him. It is also in evidence before your committee that said receiver in said settlement, under the act of 1856, filed receipts for \$1,150 paid by him for office rent for said Register Moore and himself; that said receipts were filed with said receiver's account; that he obtained an allowance of \$575 on them, and that said Register Moore was entitled to an allowance of \$575 on said receipts or vouchers. Thus, as said Register Moore's account was presented for only \$575, charged in said account for office rent, your committee do not feel justified in reporting any greater sum for appropriation than that charged and allowed on said settlement under said act.

Evidence before your committee shows that the amount of \$4,115 allowed said Register Moore, deceased, under said act of 1856 has never been appropriated or paid to his estate.

Your committee are of the opinion that Daniel Woodson, late receiver, is entitled to an appropriation for the sum of \$1,162.46, and that the estate of Ely Moore is entitled to an appropriation for the sum of \$4,115, as allowed them on the settlement

of their accounts under said act of 1856; and that said amounts due to said officers should long since have been appropriated and paid to them.

The Committee on Claims, by Report No. 2693, of the Forty-ninth Congress, reported House bill 5470, in favor of paying these claims; and in the Fiftieth Congress, by Report No. 819, and in the Fifty-second Congress, by Report No. 880, bills to pay these claims were favorably reported.

Your committee by Report No. 959 of the Fifty-fourth Congress, first session, favorably reported Senate bill 1438, which was passed by the Senate on the 23d of last January, but was not reached for consideration by the House. Senate bill 1438 is word for word the same as S. 1067.

Your committee therefore recommend the passage of the bill.

The bill (S. 1438) was referred to the Secretary of the Interior for report, and his reply, with that of the Commissioner of the General Land Office, is appended herewith as a part of the report.

DEPARTMENT OF THE INTERIOR,
Washington, May 11, 1896.

SIR: Senate bill 1438, "For the relief of the estate of Daniel Woodson and of Ely Moore," received by your reference of the 5th instant, has been reported on by the Commissioner of the General Land Office, and a copy of his report is inclosed herewith, in which it is stated that similar bills were favorably reported to Congress in 1860 and 1861.

There seem to be no new features to mention at this time.

Very respectfully,

WM. H. SIMS, *Acting Secretary.*

The CHAIRMAN OF THE COMMITTEE ON CLAIMS,
United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 9, 1896.

SIR: I am in receipt, by reference to this office for report in duplicate, of Senate bill 1483, entitled "A bill for the relief of the estates of Daniel Woodson and Ely Moore."

The bill provides for payment to the estate of Daniel Woodson, deceased, late receiver of public moneys in the Delaware land district, of Kansas, the sum of \$1,162.46, office expenses incurred in accordance with the seventh section of the act of Congress approved August 18, 1856, and to the administrator of the estate of Ely Moore, deceased, late register of the land office in the Pawnee land district, of Kansas, the sum of \$4,115, for expenses of clerk hire and office rent made under said act.

The bill having been referred by the chairman of the Senate Committee on Claims to this Department for report as to the amount of money due each of the above-named parties, I have the honor to state that in the case of Daniel Woodson it appears from papers on file in this office that said Woodson, while receiver of public moneys at Kickapoo, Kans., filed two accounts amounting in the aggregate to the sum of \$1,162.46; said accounts represent payments of \$845.80 for office rent for the office of the receiver of the Delaware land district, Kansas Territory, from July 6, 1858, to December 8, 1860, being two years and five months, at the rate of \$350 per annum, and \$316.66 for furnishing fuel and lights for said office from October 13, 1857, to December 13, 1860, three years and two months, at the rate of \$100 per annum. It also appears from the records of this office that in a letter from the Commissioner of the General Land Office to the Secretary of the Interior, under date of December 20, 1860, it was recommended by said Commissioner that an appropriation be asked of Congress to reimburse Mr. Woodson for said expenditures, and it further appears from the records of the Department that said recommendation was favorably reported to Congress by the Secretary of the Interior under date of December 21, 1860.

In the case of Ely Moore, it appears of record that Mrs. Clara Moore, widow of Ely Moore, late register of the land office in the Pawnee land district of Kansas, filed in this Department in January, 1861, a claim for reimbursement to the estate of said Ely Moore for certain sums expended by him in accordance with the seventh section of the act of Congress approved August 18, 1856, for office rent, clerk hire, etc. Said claim was referred to this office by the Acting Secretary of the Interior, under date of February 7, 1861, and was returned to him by this office under date of February 9, 1861, with report thereon. It also appears from the records of the Department that the Acting Secretary of the Interior, in a letter addressed to the chairman

of the Senate Committee on Appropriations, under date of February 12, 1861, approved the claim in the sum of \$3,540, said amount being the pay for one clerk, at the rate of \$4 per day, exclusive of Sundays, from April 1, 1857, to January 27, 1860, the date of Mr. Moore's decease, and recommended that an appropriation be made for repayment thereof.

In the matter of the claim for reimbursement to Mr. Moore, in the sum of \$575, expended by him for office rent, the Secretary in said letter of February 12, 1861, regarded said claim as cognizable under the act of 1856, and stated that should it be the purpose of Congress to reimburse the officers at the land office for rent, the register, Mr. Moore, would probably have a claim for said amount.

The items of \$3,540 and \$575, referred to above, aggregate \$4,115, the amount provided in the bill for the relief of the estate of Mr. Moore.

The papers relating to the claim of the estate of Mr. Moore, including the vouchers for clerk hire, etc., filed in this Department by Mrs. Clara Moore, appear to have been transmitted to the chairman of the Senate Committee on Appropriations with said letter of the Secretary of the Interior dated February 12, 1861.

The Senate bill, No. 1438, is herewith returned.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

The SECRETARY OF THE INTERIOR.

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